D.B.CIVIL SPECIAL APPEAL (W) NO. 594/2007
Smt. Alka Verma
v.
State of Rajasthan & ors.

Date of order : 08.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ
. . .

Shri A.N.Mathur for the appellant

The dispute in this special appeal arising from the order of the learned Single Judge dismissing the writ petition of the appellant relates to the appellant's claim for parity of pay with Para Physical Teacher on the principle of 'equal pay for equal work'.

The case of the appellant is that she was appointed against the regular available vacancy on the post of Physical Teacher after following the rules and she has been performing the same duties in the same manner as Physical Teacher and therefore, she is entitled to parity of pay and status.

Recruitment to the post of Physical Teacher is governed by the Rajasthan Educational Subordinate Service Rules, 1971. Rule 6 lays down the method of recruitment by direct recruitment or by promotion. Part IV lays down the procedure for direct recruitment on the recommendation of the Commission after inviting applications. The

appellant was appointed on the basis of local selection by the Collector in the light of a general direction of the High Court in some case. The appointments of Para Physical Teachers were made against available vacancies on the post of Physical Teacher in view of the large scale vacancies, that is, in exigency of service. We do not think Para Physical Teachers can equate themselves with Physical Teachers.

Dealing with the claim for 'equal pay for equal work' it has been held that the pay depends on variety of factors, such as educational qualification, nature of duties, manner and level of recruitment etc. Simply because the appellant was posted against the post of Physical Teacher, on the basis of local selection, and started performing the duties of Physical Teacher, she can claim same status and pay etc. as Physical Teachers. We do not find any merit in the claim of the appellant. Therefore, the learned Single Judge did not commit any error in dismissing the writ petition.

Appeal is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

mathur/